

REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on October 27, 2009 for the above-captioned U.S. Patent Application. This Office Action is a final rejection of pending claims 1, 3-11, 13-20, 43-45, and 47-52.

More specifically the Examiner has rejected claims 1, 3-11, 13-20, 43-45, and 47-52 under 35 USC 103(a) as being unpatentable over Bokhorst (US6,192,230) in view of Gubbi (US6,865,609) and further in view of Liu (US20040190467). The Applicants respectfully traverse the rejections.

Claims 1, 3-6, 9-11, 13, 15, 45, and 47-52 have been amended. Support for the amendments can be found at least on page 7, lines 6-30, page 8, lines 5-9, page 9, lines 1-27, page 10, line 27 to page 11, line 3, page 12, lines 9-25, and page 14, line 19 to page 15, line 30 of the application as filed. No new matter is added.

First, regarding the Examiner's comments in the Response to Arguments section of the Office Action the Applicants disagree. However, the Applicants note that, although the Applicants do not expressly or impliedly agree with the rejections, the Applicant submits that in order to facilitate the prosecution of this patent application towards allowance each of the independent claims 1, 11, and 45 have been amended in a somewhat similar fashion. For example, claim 1 now recites:

An apparatus comprising: at least one processor; and at least one memory including computer program code, where the at least one memory and the computer program code are configured, with the at least one processor, to cause the apparatus to at least: store receiver capability information relating to capabilities of the receiver terminal; receive plural service components of one or more services that are datacast sequentially within a burst; determine, on a basis of a comparison of the receiver capability information and received service component information, which service components of the plural service components of the one or more services are required service components; determine, on a basis of the comparison of the receiver capability information and the received service component information, service components that are not required to be received;

receive timing information, where the timing information is identifying a timing of transmission of each of the required service components and a timing of transmission of each of the service components that are not required to be received; and based on the received timing information, to one of enable the receiver to receive signals at one or more times in a burst period corresponding to the required service components, and to disable the receiver at one or more times in the burst period corresponding to the service components that are not required to be received

The Applicants note that claim 1 has been amended to relate to a memory configured to store receiver capability information relating to capabilities of the receiver terminal. In addition, the Applicants note that claim 1 has been amended to recite features, similar to that formerly in dependent claims 3 and 5, which relate to performing determinations as to which service components are required to be received and which service components are not required to be received based at least in part on a comparison of the receiver capability information and received service component information. Support for these amendments can be found at least on page 12, lines 9-25 and page 14, line 19 to page 15, line 30 of the application as filed.

The Applicants submit that none of the references cited can be seen to disclose or suggest at least these features of amended claim 1.

The Applicants note that the subject matter of the amendments to claim 1 is similar to that of former claims 3 and 5. In the previous Office Action, dated 2 April 2009, the Examiner rejected claims 3 and 5 in view of Bokhorst as modified by Gubbi and Liu. The Examiner asserted that column 11, lines 52 to 66, of Gubbi disclose or suggest the subject matter of claims 3 and 5. The Applicants respectfully disagree with the rejection and the Applicants contend that amended claim 1 is patentable over the combination of Bokhorst, Gubbi and Liu.

Gubbi as cited discloses:

“The frame subtype network feature update is used to transport the feature update packets to programmable MACs on an MMS from any other MMS that has access to updated codes or parameters. The subtypes of voice, audio, video, real-time data and data are used to transport the actual multimedia data within a BSS. These frame subtypes signify the characteristics of the incoming traffic at the

destination MMS. The distinction of real-time data and data, asynchronous by default, is required to allow for different latency requirements of the two data types at both the source device and the destination device,” and “The capability information in the management frames needs to contain the MM capability,” (col. 11, lines 50-63).

The above-identified section of Gubbi describes that “subtypes of voice, audio, video, real time data and data are used to transport the actual multimedia data within a BSS [basic service set]. These frame subtypes signify the characteristics of the incoming traffic at the destination MMS [multimedia station]. The distinction of real time data and data, asynchronous by default, is required to allow for different latency requirements of the two data types at both the sourced device and the destination device.” Although the Applicants do not agree, it appears that the Examiner equates the frame subtype of Gubbi as disclosing or suggesting the “received service component information” of amended claim 1.

In addition, the above-identified section of Gubbi also describes that “capability information in the management frames need to contain the MM capability... Hence, [a] bit in the capability information field may be used as an MM capable bit.” It appears that the Examiner is equating the capability information of Gubbi’s management frames as disclosing or suggesting the receiver capability information of claim 1.

In any case, the Applicants submit that assuming *arguendo* that the “frame subtype” and “capability information” of Gubbi were somehow interpreted as reading upon the “received service component information” and the “receiver capability information” of claim 1, respectively, the Applicants contend that the proposed combination of Bokhorst, Gubbi and Liu still fails to disclose or suggest amended claim 1. This is seen to be the case for at least the reason that claim 1 relates to a determination of which service components are required service components and which service components are not required to be received “on the basis of a comparison of the receiver capability information and received service component information.” The Applicants submit that Gubbi does not disclose any comparison between the frame subtype and the capability information. As such Gubbi does not disclose “a comparison of the receiver

capability information and received service component information”, or any determination on the basis of that comparison. It is noted also that neither of Bokhorst nor Liu disclose or suggest this feature. Consequently, the Applicants submit that, for at least this reason, amended claim 1 is patentable over the prior art of record.

Furthermore, we strongly disagree with the Examiner’s sustained assertion that Bokhorst discloses where claim 1 relates to determining which service components of the plurality of the service components of the one or more services are required service components. The Applicants note that in lines 1 and 2 on page 3 of the current Office Action, dated 27 October 2009, the Examiner states that Bokhorst discloses that “each mobile station is configured to determine whether they are required to receive data messages transmitted during a particular interval.” Again, the Applicants reassert the argument that a determination as to whether data messages are required to be received during a particular interval is very different to a determination as to which service components of plural service components are required to be received, as specified in claim 1. These two steps are technically very different. For example, determining whether a data message is required to be received during a particular interval requires no knowledge of the identify or characteristics of a particular message. The mobile station need only know that it must remain awake during that interval. The determination as to which service components of plural service components are required to be received, however requires at least some knowledge by the mobile station as to the identity or characteristics (such as the “service component information”) of the service component.

Also, for reasons similar to those described in the above paragraph, we reiterate our assertion that Bokhorst does not disclose the claimed feature of where claim 1 relates to determining service components that are not required to be received.

In view of the above described differences between the claimed invention and the system of Bokhorst, it seems even clearer that the claimed invention is patentable over the combination of Bokhorst, Gubbi and Liu.

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In addition, the Applicants submit that, for similar reasons, the foregoing amendments to the independent claims 11 and 45 also place these claims in condition for allowance in view of the references cited. Therefore the Examiner is requested to remove the rejections and allow these claims.

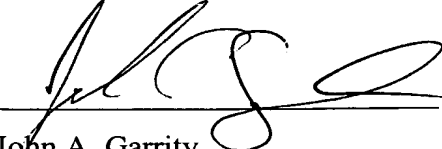
In addition, for at least the reasons that claims 3 to 10 and 43, claims 13 to 20 and 44, and claims 47 to 52, depend from claims 1, 11 and 45, respectively, the references cited are not seen to disclose or suggest these claims and rejection of these claims should be removed.

Further, the Applicants submit that although not all the rejections are argued in this Response, the Applicants do not acquiesce to these rejections.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1, 3-11, 13-20, 43-45, and 47-52. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1, 3-11, 13-20, 43-45, and 47-52 and to allow all of the pending claims 1, 3-11, 13-20, 43-45, and 47-52 as now presented for examination.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:


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2.18.2010
Date